

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 26, 2001
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Donald L. Hedges (R)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 314, HB 363, 1/26/01
Executive Action: none.

Chairman Somerville formed a sub-committee for HB 212, to work on
the amendments that Colonel Bert Obert from the Highway Patrol

brought forward. He appointed Rep. Gallus, Rep. Barrett and Rep. Smith. Rep. Gallus will Chair the sub-committee.

Hearing on HB 363

Sponsor: Rep. Wanzenried, HD 68, Missoula.

Proponents: Brenda Nordlund, Department of Justice; Barry Stang, Montana Motor Carriers Association; Anita Oppedahl, Department of Motor Vehicles.

Opponents: none.

Informational Witnesses: none.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 6.5}

Rep. Wanzenried said this bill is a continuing effort to clean up loopholes and seams in the process of ensuring that only the safest drivers continue to operate commercial vehicles. This bill specifies the alcohol concentration level at which a commercial driver is legally intoxicated and in violation of the law. Also this bill says the conditions in which a commercial drivers license can be suspended.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 11}

Brenda Nordlund said most of the changes in the bill are driven by the Federal Motor Carrier Safety Improvement Act of 1999. She explained an overview of the changes in the bill. She supports HB 363.

Barry Stang said the MMCA supports HB 363. **EXHIBIT**(trh21a01).

Opponents' Testimony: none.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 27.2}

Rep. Bookout-Reinicke asked **Ms. Nordlund** if someone loses their license, how long will it be before they get it back. **Ms. Nordlund** said if it is a Commercial Drivers License, on a first conviction it is one year, on a second subsequent it is life.

{Tape : 1; Side : B; Approx. Time Counter : 0.3}

Rep. Gallik asked **Ms. Nordlund** what was in this bill that is not in the federal bill. **Ms. Nordlund** said it deleted a sentence that talks about the Department of Justice adopting rules to implement the change from a four year to an eight year drivers license; also the language clarifying and adjusting the actual practice or how to administer individuals whose licenses are suspended or revoked; internal reference coordination; and clarification and elimination of redundant language related to probationary drivers license which is in section three of the bill.

Chairman Somerville asked **Rep. Keane** if people are licensed differently for construction than a normal commercial drivers' license. **Rep. Keane** said these vehicles are not operated on the highway, they do not fall under definition of highway use.

Chairman Somerville asked **Ms. Oppedahl** what the impact would be on the construction industry with the requirement here. **Ms. Oppedahl** said this would not have an impact on vehicles that would normally not be required to have license plates on the vehicle, she does not think there is any impact on the construction industry.

Closing by Sponsor:

Rep. Wanzenried said it is too expensive to have people driving truck over the road who do not come in above these standards.

Hearing on HB 314

Sponsor: Rep. Dave Gallik, HD 52, Helena.

Proponents: Jan VanRiper, State Auditors Office; Dean Roberts, Administrator of Montana Motor Carriers Assoc.; Joe Mazurek, InsureRite; Al Smith, Montana Trial Lawyers Assoc.

Opponents: Robert Throssell, Montana County Treasure's Assoc.; Roger McGlenn, Independent Insurance Assoc. of Montana.

Informational Witnesses: none.

Opening Statement by Sponsor:

Rep. Gallik said this bill is similar to several others on the subject of mandatory insurance and proof of liability insurance

regarding motor vehicles. He said he is in complete agreement with the arguments for this bill.

Proponents' Testimony:

{Tape : 1; Side : B; Approx. Time Counter : 21.5}

Jan VanRiper said the Auditors Office and the Insurance Commissioner are supportive of these various measures in an attempt to reduce the number of uninsured motorists on the road. She handed out information on what various states are doing, primarily requiring proof of insurance. **EXHIBIT(trh21a02), EXHIBIT(trh21a03), EXHIBIT(trh21a04), EXHIBIT(trh21a05), EXHIBIT(trh21a06).**

Dean Roberts said MMCA supports this bill.

Joe Mazurek said the company he is a lobbyist for operates a database program in Utah, called Utah Uninsured Driver Identification Data Base. He said this has been very successful in Utah. He said this program helps to identify who the uninsured motorists are in the state.

{Tape : 2; Side : A; Approx. Time Counter : 0.3}

Al Smith said the MTLA supports HB 314.

Opponents' Testimony:

Robert Throssell said he does not support HB 314.

Roger McGlenn said he does not support HB 314. A concern he had was valid Montana drivers' licenses for their mature clients. He said they may no longer have a valid Montana drivers' license but they maintain ownership of a vehicle and their family members drive them, but they must register as the owner.

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 6.2}

Rep. Devlin said to **Rep. Gallik**, in the context of this bill, when you register it requires a drivers license and proof of insurance, how would this work with fleet. **Rep. Gallik** said he would have no problem amending this bill and taking the part of requiring a valid drivers license out. He said the main focus of this bill is to solve a problem that is costing Montanans and Local Governments a lot of money.

Rep. Waitschies asked **Mr. Mazurek** what costs the state of Utah is incurring. **Mr. Mazurek** said Utah assesses a fee on the Motor Vehicle Registration of one dollar per vehicle and that goes to, in this case, InsureRite to maintain this database for the State of Utah. He said the total cost is about \$1.2 million per year.

Rep. Keane said to **Rep. Gallik** why not put all three bills about this issue in a sub-committee. **Rep. Gallik** said he strongly suggests that would be appropriate.

Closing by Sponsor:

Rep. Gallik said we need to stop the drain on local governments because of lack of insurance.

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh21aad)